

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jimmy J. Micius and Elsie M. Mayard,

Civil 08-5854 MJD/FLN

Plaintiffs,

v.

O R D E R

Northern States Power Company,
d/b/a Excel Energy, et al.,

Defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated November 13, 2008, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Plaintiffs' applications for leave to proceed in forma pauperis, (Docket Nos. 2 and 3), is DENIED;
2. Plaintiffs' "Motion For Unjunction [sic] Relief And Restraining Order Rule 65(d)," (Docket No. 4), is summarily DENIED; and
3. This action is summarily DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

DATED: December 9, 2008.
at Minneapolis, Minnesota

s/Michael J. Davis
CHIEF JUDGE MICHAEL J. DAVIS
United States District Court